

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JENNIFER S. FISCHMAN,	:	CIVIL ACTION NO.: 18-CV-08188
	:	(JMF)
Plaintiff,	:	
	:	
v.	:	
	:	
MITSUBISHI CHEMICAL HOLDINGS	:	
AMERICA, INC. et al.	:	
	:	
Defendants.	:	
	:	
	:	

**DECLARATION OF MATTHEW L. BERMAN
IN OPPOSITION TO MOVING DEFENDANT'S MOTION TO DISMISS
THE FIRST AMENDED COMPLAINT**

I, Matthew L. Berman, an attorney duly licensed to practice in the State of New York, hereby affirm as follows:

1. I am a partner with the law firm Valli Kane & Vagnini, LLP, counsel for plaintiff Jennifer S. Fischman in the above-captioned matter. I am a member of the bar of the State of New York.

2. I submit this Declaration, together with the attached exhibits and Plaintiff's Memorandum of Law ("MOL") filed contemporaneously with this Declaration, in opposition to the Motion to Dismiss the First Amended Complaint, filed by Defendant Mitsubishi Chemical Holdings Corporation ("MCHC").

3. The exhibits identified below are true and correct copies of the following confidential records, submitted herewith via e-mail to Furman_NYSDChambers@nysd.uscourts.gov pursuant to: (i) the So-Ordered Confidentiality

Order entered in this case (ECF No. 74) and (ii) the Court's procedures for filing records under seal pursuant to Your Honor's individual practices Rule 7(b) and copied to all counsel of record:

- a. Exhibit A: Documents produced in response to discovery directed at defendant Mitsubishi Chemical Holdings America ("MCHA"), bates stamped DEF-0000004, 186-187, 289-294, 314, 342-43, 346-53.
- b. Exhibit B: Defendant MCHA's Responses and Objections to Plaintiff's First Set of Interrogatories. Plaintiff's MOL relies, in part, on MCHA's response to Interrogatories Number 2, identifying persons with knowledge of the factual allegations in the complaint, including Pat Saunders, and MCHC executives Ken Fujiwara, Shoji Yoshisato and Masanori Sakaguchi.
- c. Exhibit C: Defendant MCHA's Supplemental Responses and Objections to Plaintiff's First Set of Interrogatories. Plaintiff's MOL relies, in part, on MCHA's response to Request Number 8, identifying Ken Fujiwara, a MCHC employee, as the recipient of a communication concerning the decision to terminate Ms. Fischman's employment.
- d. Exhibit D: Documents produced in response to discovery directed at defendant MCHA, bates stamped DEF-000064-76 (2014 Performance Evaluation).
- e. Exhibit E: Documents produced in response to discovery directed at defendant MCHA, bates stamped DEF-000375-384 (2015 Performance Evaluation).
- f. Exhibit F: Documents produced in response to discovery directed at defendant MCHA, bates stamped DEF-000133-134.
- g. Exhibit G: Documents produced in response to discovery directed at defendant MCHA, bates stamped DEF-000167.

h. Exhibit H: Defendant MCHA's Organizational Chart, produced in response to discovery directed at MCHA, bates stamped DEF-000866.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: Garden City, New York
June 1, 2020

By: /s/ Matthew L. Berman